IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION No. 10828 of 2005

Between:

Devatha Vijaya W/o. China Kondaiah
R/o. Stonehousepet, Nellore, Nellore District. ..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nellore Region, Nellore,
Nellore District.
2 The Depot Manager, A.P.S.R.T.C. Nellore-1.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No. 02/122(10)/2001-RM (NLR), dt. 20-4-2005 of the 1st Respondent and the consequential proceedings No.s 02/122(10)/2001-NI R-1, dt. 25-4-2005 of the 2nd respondent as illegal, unjust, arbitrary violative of principles of natural justice, contrary to law, violative of Articles 19(1)(g) and 21 of the Constitution of India and accordingly set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : Mr.S.V.MUNI REDDY

Counsel for Respondents : MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the stage of admission, made the following :

ORDER:

The petitioner was a licensee in respect of a Bakery Stall at Nellore main Bus Station. The licence was initially granted for a period of three years w.e.f. 1.8.2001 and later extended for a period of three years from 1.8.2004. By an order dated 20.4.2005 of the first respondent, the licence of the petitioner was terminated and consequently by an order of the second respondent dated 25.4.2005 the petitioner was called upon to remove all the articles in the stall after paying arrears of licence fee and other dues on or before 27.4.2005, failing which action will be taken to dispose of the articles found in the premises by public auction in terms of the conditions of the licence. Assailing the aforesaid two orders, the present writ petition is filed.

The relationship between the petitioner and the respondents is founded on a non-statutory contract. The adjudication of grievances in respect of such non-statutory contract is not appropriate under Article 226 of the Constitution of India. The petitioner has an effective alternative remedy before the jurisdictional Civil Court. In the circumstances, this Court is not inclined to exercise its discretion to adjudicate upon the matter notwithstanding that the respondents are agents and instrumentalities of the State within the meaning of Article 12 of the Constitution vide **Radhakrishna Agarwal v. State of Bihar.**

The writ petition is accordingly dismissed with liberty to the petitioner to pursue alternative remedies. No order as to costs.

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GODA RAGHURAM, J

Date: 3.5.2005

DA/KVSN

To

1 The Regional Manager, APSRTC, Nellore Region, Nellore,
Nellore District.
2 The Depot Manager, A.P.S.R.T.C. Nellore-1.

3 Two CD copies.